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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,768	11/08/2001	Lance J. Gay	38-0013	1386

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/005,768	GAY ET AL.	
	Examiner	Art Unit	
	Farzana E. Hossain	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4, 9 and 14 are objected to because of the following informalities: Claims recite “substantially”. The Office assumes “substantially” to be –substantially–. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 18-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are not directed to a statutory class. They are directed to commands or computer signals stored on a computer readable medium which the courts have held to be non statutory. The claims do not lead to a practical application, merely data on an article of manufacture.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7-10, 12-15, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinney et al (US 5,808,662 and hereafter referred to as "Kinney").

Regarding Claim 1, Kinney discloses a method comprising: viewing at least one frame of a video file or movie at a first location (Figure 1, 105); viewing the at least one frame of the video file at a second location (Figure 1, 107, 109); and transmitting a command signal from the first location to the second location regarding a control operation of the video file (Figure 2, 2A, 2B, 2C).

Regarding Claim 8, Kinney discloses a method comprising: providing a video or movie on a first screen of a first system (Figure 1, 140); transmitting a command signal from the first system to a second system (Column 4, lines 41-49, Column 7, lines 1-5, Column 2, lines 15-30, Abstract); performing an operation corresponding to the transmitted command signal at the first system (Column 7, lines 1-14); and performing an operation corresponding to the transmitted command signal at the second system (Column 7, lines 1-14).

Regarding Claim 13, Kinney discloses a method comprising: displaying a video or movie on a first video screen (Figure 1, 105, 140, 120); displaying the video on a second video screen (Figure 1, 107, 109, 140, 120); simultaneously performing at least one operation on the first video screen and the second video screen by transmitting at least one command signal across a communications network (Figure 1, Column 4, lines 41-49, Column 7, lines 1-5, Column 2, lines 15-30, Abstract).

Regarding Claim 2, Kinney discloses all the limitations of Claim 1. Kinney discloses performing the control operation of the video file at the first location (Column 7, lines 1-14).

Regarding Claim 3, Kinney discloses all the limitations of Claim 2. Kinney discloses performing the control operation of the video file at the second location (Column 7, lines 1-14).

Regarding Claims 4 and 9, Kinney discloses all the limitations of Claims 3 and 8 respectively. Kinney discloses that the control operation is performed at the first location substantially simultaneously as the control operation is performed at the second location (Column 4, lines 41-49, Column 7, lines 1-43, Column 2, lines 15-30, Abstract).

Regarding Claims 5, 10 and 15, Kinney discloses all the limitations of Claims 1, 8, and 13 respectively. Kinney discloses that the command signal comprises one of stop, play, forward, reverse and pause of the video file or movie (Column 4, lines 41-45, lines 50-55).

Regarding Claims 7, 12 and 17, Kinney discloses all the limitations of Claims 1, 8, and 13 respectively. Kinney discloses that the command signal comprises a frame number of the video file or a command signal comprises to advance to a particular frame in the movie (Column 5, lines 4-9, Column 4, lines 62-63).

Regarding Claim 14, Kinney discloses all the limitations of Claim 13. Kinney discloses that at least one operation is performed on the first video screen substantially simultaneously as the at least one operation is performed on the second video screen (Column 4, lines 41-49, Column 7, lines 1-43, Column 2, lines 15-30, Abstract).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 18, 19, 21-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney.

Regarding Claim 18, Kinney discloses a program storage device or hardware (Column 6, lines 47-54) readable by machine (Figure 1, 105), the machine containing software (Column 6, lines 47-54) to perform a method comprising: transmitting a command signal from a first computer system to a second computer system regarding a first control operation of a video file or movie (Figure 1, Column 4, lines 41-49, Column 7, lines 1-5, Column 2, lines 15-30, Abstract); performing the first control operation on the first computer system (Column 7, lines 1-14); receiving a command signal from the second computer system regarding a second control operation of the video file or each participant in the playback session can receive a command signal for any other participant (Column 7, lines 1-14); and performing the second control operation on the first computer system (Column 7, lines 1-14). Kinney disclose a processing unit and transport control logic (Column 3, lines 60-64); the transport control logic or an application that allows participant to control, view and edit a movie (Column 4, lines 41-

49). Kinney also discloses hardware and software can perform the functions of the invention which reads on tangibly embodying a program of instructions executable by the machine to perform a method. Kinney does not explicitly disclose a program storage device. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Kinney to explicitly disclose a program storage device embodying a program of instruction executable by the machine (Column 6, lines 47-54) in order to shave a convenient flexible system of movie playback of collaborative system for participants in remote locations (Column 1, lines 9-13, lines 57-67) as disclosed by Kinney.

Regarding Claim 22, Kinney discloses a computer system (Figure 1, 105) comprising at least one processing unit (Column 3, lines 60-61), at least a video display and hardware embodying software embodying a program of instructions executable by the processing unit to perform a method comprising (Column 6, lines 47-54): transmitting a command signal from a first computer system to a second computer system regarding a first control operation of a video file or movie (Figure 1, Column 4, lines 41-49, Column 7, lines 1-5, Column 2, lines 15-30, Abstract); performing the first control operation on the first computer system (Column 7, lines 1-14); receiving a command signal from the second computer system regarding a second control operation of the video file or each participant in the playback session can receive a command signal for any other participant (Column 7, lines 1-14); and performing the second control operation on the first computer system (Column 7, lines 1-14). Kinney disclose a processing unit and transport control logic (Column 3, lines 60-64); the

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transport control logic or an application that allows participant to control, view and edit a movie (Column 4, lines 41-49). Kinney also discloses hardware and software can perform the functions of the invention which reads on tangibly embodying a program of instructions executable by the machine to perform a method. Kinney does not explicitly disclose a program storage device. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Kinney to explicitly disclose a program storage device to tangibly embody a program of instructions executable by the processing unit (Column 6, lines 47-54) in order to have a convenient flexible system of movie playback of collaborative system for participants in remote locations (Column 1, lines 9-13, lines 57-67) as disclosed by Kinney.

Regarding Claims 19 and 23, Kinney discloses all the limitations of Claims 18 and 22 respectively. Kinney discloses that the command signal comprises one of stop, play, forward, reverse and pause of the video file or movie (Column 4, lines 41-45, lines 50-55).

Regarding Claims 21 and 25, Kinney discloses all the limitations of Claims 18 and 22 respectively. Kinney discloses that the command signal comprises a frame number of the video file or a command signal comprises to advance to a particular frame in the movie (Column 5, lines 4-9, Column 4, lines 62-63).

8. Claims 6, 11, 16, 20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney in view of Pacifici et al (US 6,230,171 and hereafter referred to as "Pacifici").

Regarding Claims 6, 11, 16, 20, and 24, Kinney discloses all the limitations of Claims 1, 8, 13, 18, and 22 respectively. Kinney is silent of the command signal comprising a pointer coordinate position of a video screen. Pacifici discloses that the command signal comprises a pointer coordinate position of a video screen (Column 5, lines 58-61, Column 9, lines 45-54). Therefore it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Kinney in order to include that the command signal comprises a pointer coordinate position of a video screen representing specific coordinates of the video screen (Column 5, lines 58-61, Column 9, lines 45-54) as taught by Pacifici in order to allow peers to bring attention to markup section in a peer to peer multi party collaboration system in a web based system which allows users to more easily communicate (Column 1, lines 11-28, 49-52) as disclosed by Pacifici.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aldred et al (US 5,649,105 and hereafter referred to as "Aldred")

Aldred discloses a collaborative system with participants communicating about shared data (Column 3, lines 17-43).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-

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272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 5, 2006
FEH


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